

REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested.

In the Office Action dated September 17, 2007, Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,770,304 to Warrell et al. (hereinafter "Warrell").

Applicants acknowledged the receipt of PTO-892.

In response to the rejections, Applicants amended claim 1 and cancelled claim 4. Additionally, new claims 18-25 are added. The amendments are made to further clarify the claimed invention. New claims 18-25 is supported by the entire specification, as well as original claims 5-10, 16 and 17. No new matter has been introduced.

Applicants respectfully submit that the amendments have overcome the rejections for the reasons set forth below:

Rejections Under 35 U.S.C. § 102

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Warrell et al. for reasons stated on pages 2-3 of the Office Action. Applicants respectfully traverse the rejection.

Independent claim 1, as amended, is directed to a pharmaceutical composition for the treatment of skin neoplasm comprising a therapeutically effective amount of arsenic trioxide and a pharmaceutically acceptable carrier, wherein the composition is in the form of a cream, lotion, gel, ointment or paste.

Warrell generally describes the use of arsenic compounds to treat a variety of leukemia, lymphoma and solid tumors. Although Warrell discloses that the invention can be used for topical or transdermal delivery, it does not describe how to use the arsenic compounds topically, nor does it mention anything about treating skin neoplasm with an arsenic compound. In fact, Warrell teaches

away from using the arsenic compounds topically because it specifies that “one of the long recognized effects of exposure to arsenic, whether the source is environmental or medicinal, is skin cancer” (col. 2, lines 51-53). It should also be noted that all the working examples of Warrell teach intravenous or oral administration of arsenic compounds.

In view of the conflict and insufficient disclosure about topical application of arsenic compound, one skilled in the art would be reluctant to use arsenic compound topically based on the teachings of Warrell. Accordingly, Applicants respectfully submit that Warrell does not anticipate claim 1 of the instant invention. Applicants further submit that claims 2 and 18-25 are patentable over Warrell because they depend from claim 1 and recite additional patentable subject matter. For example, Warrell does not teach or suggest arsenic trioxide concentration ranges of about 0.01-1 and about 0.1-0.5 mg arsenic trioxide / g of composition, as recited in claims 24 and 25, respectively. Withdrawal of the rejection to claims 1 and 2 under 35 USC 102(b) over Warrell is respectfully requested.

In view of the foregoing remarks, favorable reconsideration of all pending claims is requested. Applicants respectfully submit that this application is in condition for allowance and request that a notice of allowance be issued. Should the Examiner believe that anything further is required to expedite the prosecution of this application or further clarify the issues, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

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